



[10191/1711]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : BECKER et al.
Serial No. : 09/763,138
Filed : April 20, 2001
For : DEVICE AND METHOD FOR HIGH-RATE ETCHING
SUBSTRATE USING A PLASMA ETCHING SYSTEM AND
DEVICE AND METHOD FOR IGNITING A PLASMA AND
ADJUSTING UPWARD OR PULSING THE PLASMA POWER
Examiner : L. Schillinger
Art Unit : 2813

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an envelope
addressed to: Assistant Commissioner for Patents, Washington,
D.C. 20231, on

Dated: 12/31/02

Reg. 41,172

Commissioner for Patents
Washington, D.C. 20231

Signature

DERVIS MAGISTRE
KENYON & KENYON

ELECTION TRANSMITTAL

SIR:

Please find an Election With Traverse transmitted
herewith for filing in the above-identified patent application.
Applicants respectfully request a three-month extension of time
in which to respond to the Office Action dated September 16,
2002, for which a response period expiring on October 16, 2002
was set. The extended period expires on January 16, 2003.

Please charge the \$920.00 extension fee and any
additional fees required to Deposit Account No. 11-0600. A
duplicate copy of this Transmittal is enclosed.

Respectfully submitted,

By: Richard L. Mayer (Reg. No. 41,172)

By:

Richard L. Mayer
Richard L. Mayer
Reg. No. 22,490

Dated: 12/31/02

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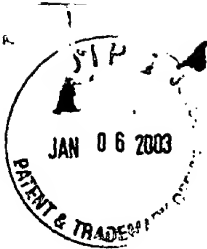
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KENYON & KENYON
One Broadway
New York, NY 10004
(212) 425-7200

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#9
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Robert
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[10191/1711]

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Robertson
Election

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Dervis Magistre
DERVIS MAGISTRE
KENYON & KENYON

ELECTION WITH TRAVERSE

SIR:

In response to the office action dated September 16,
2002, the following election is hereby made.

ELECTION

Applicants hereby elect with traverse the species of
claims 18-23.

REMARKS

In this Office Action, the Examiner has issued a
restriction requirement based on 35 U.S.C. § 121. This type of
restriction is inappropriate for this application because it is
a national stage application under 35 U.S.C. § 371, and only the
unity of invention standard is appropriate for withdrawing
claims from consideration in a national stage application. In
particular, in basing the restriction determination on the
standard set forth in the office action, the Examiner has
ignored the strictures governing unity of invention
determinations set forth in Rules 475 and 499. According to §